



Columbus Water Works

*Committed to our community
and the environment*

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July 28, 1999

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FEDERAL COMMUNICATIONS COMMISSION

Ms. Magalie Roman Salas
FCC Secretary
Office of the Secretary
Federal Communications Commission
The Portals, 445 Twelfth Street, SW
Washington, DC 20554

Reference: WT Docket 99-87, Revised Competitive Bidding Authority

Dear Ms. Salas:

Enclosed are comments and 4 copies submitted by Columbus (Georgia) Water Works in response to the Federal Communication Commissions request for comments on WT Docket 99-87, Revised Competitive Bidding Authority.

Columbus Water Works appreciates the opportunity to offer the attached comments on this important rulemaking.

Sincerely,

COLUMBUS WATER WORKS

Billy G. Turner, President

BGT/cal

cc: Senator Paul Coverdale
Senator Max Cleland
Representative Mac Collins

Attachments

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

In the Matter of)
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Revised Competitive Bidding Authority)
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FEDERAL COMMUNICATIONS COMMISSION

WT Docket 99-87

To: The Commission

COMMENT

Columbus Water Works
Billy G. Turner
President
1421 Veterans Parkway
Columbus, GA 31901

Dated: July 27, 1999

Table Of Contents

EXECUTIVE SUMMARY

INTRODUCTION

COMMENTS

Exemption from Auction

Definition of Public Safety Radio Service

Establishing a Public Safety Radio Service Pool

Definition of Private Internal Radio Services

Establishing a Public Safety Radio Service Pool

Critical Infrastructure Entity Need Spectrum

Spectrum Utility

EXECUTIVE SUMMARY

In the Telecommunications Act of 1996 the Congress charged the Federal Communication Commission (FCC) with the requirement that radio frequency spectrum for communication, both voice and data, be assigned as a result of auctions. In this Act particular frequency spectrums were set aside for use by "public safety" organizations. In the Act, "public safety" was identified as police and fire protection services.

The Balanced Budget Act of 1997 directed the FCC to provide spectrum set-aside for a more broadly described "public safety services" including critical national infrastructure entities outside the auction process.

Columbus Water Works supports the rulemaking petition submitted by the UTC, American Petroleum Institute, and Association of American Railroads proposing to create a third radio pool, in addition to the Public Safety and Industrial/Business Radio Pools already used for private radio frequencies below 470 MHz, to be known as the Public Service Radio Pool open to entities that do not qualify for Public Safety Radio Pool spectrum, but are eligible to use the public safety radio services that the Balanced Budget Act exempted from the Commission's auction authority. Columbus Water Works believes that this approach is feasible and appropriate for other frequency bands including PLMR frequencies above 470 MHz.

INTRODUCTION

My utility is Columbus Water Works, a municipal water utility. Columbus Water Works provides drinking water and wastewater services to 63,000 customers representing more than 175,000 people. This service area is geographically unique encompassing over 221 square miles. Our infrastructure includes one water treatment plant, one wastewater treatment plant, two combined sewer treatment facilities, a maintenance and laboratory service center, a central business office, one thousand miles of water mains, one thousand miles of sewer mains, forty sewage pumping stations, and ten elevated water tank sites. All of these facilities are monitored and transmit information by telephone line or by radio transmission. Columbus Water Works relies on 800, and 900 MHz radio systems to transmit both voice and data communications. Data transmissions allow us to immediately detect system failures that could pose threats to human health and safety.

In managing the City of Columbus' water supply to protect the health and safety of 175,000 citizens, Columbus Water Works maintains close communication ties to both the emergency 911 system and emergency on-call maintenance staff. Power outages, which occur frequently due to lightning, can result in sewage pumping stations overflowing causing a health hazard, or causing water to back into buildings causing property damage. Automated treatment plants include chemicals that must be monitored for safety reasons. Careful and continuous monitoring of our facilities using our radio systems and quick responses prevents the situations described above from turning into a dangerous or catastrophic situation.

COMMENTS

The Balanced Budget Act of 1997, Public Law No. 105-33, Title III, 111 Statute 251 (1997) ("Balanced Budget Act"). The Balanced Budget Act revised the Commission's auction authority for wireless telecommunications services. Columbus Water Works believes that the

timely implementation of the Balanced Budget Act provisions regarding spectrum access for critical infrastructure entities is critical to meeting a need expressly recognized by the U.S. Congress.

Exemption from Auction

The Balanced Budget Act of 1997 and associated report language provide clear legislative direction to the FCC to insure that public safety radio services as defined in the Act and report language are exempt from auction. In determining that there was a specific need for access to spectrum outside of the auction process, Congress implicitly recognized the need for adequate availability of spectrum to activities deemed public safety radio services. And, that that spectrum should be made available to these activities through a mechanism other than auctions.

Definition of Public Safety Radio Service

The definition for "public safety radio services" as stated by Congress is broader than the current "public safety radio services." The Act and associated report language specifically avoid the use of language that would limit the applicability of this section to the current definition of public safety (i.e., police, fire, rescue applications).

The Balanced Budget Act of 1997 by reference and specific language describes "public safety radio services" as including private internal radio services, which were:

1. Used by State and local government,
2. Used by non-governmental entities to protect safety of life, health or property, and not made commercially available to the public.

The Balanced Budget Act of 1997 was accompanied by report language that provides a clear descriptive summary of public safety radio services that meet the private internal radio services definition included in the Act:

"The exemption from competitive bidding authority for "public safety radio services" includes "private internal radio services" used by utilities, railroads, metropolitan transit systems, pipelines, private ambulances, and volunteer fire departments. Though private in nature, the services offered by these entities protect the safety of life, health, or property and are not made commercially available to the public."

Access to the exemption from competitive bidding authority for public safety radio service and associated spectrum allocations, is a function of the service provided "protection of safety of life, health, or property."

Definition of Private Internal Radio Services

Access to the exemption from competitive bidding authority for private internal radio services should be held against the same yardstick as described above with the additional

requirement that the radio service does not involve the commercial sale of the radio service itself. When applying this test of eligibility and the applicant will serve a group of users, all users must meet the eligibility tests of (1) used to protect safety of life, health or property and (2) radio service is not sold commercially.

Establishing a Public Safety Radio Service Pool

Columbus Water Works supports the formation of a public safety radio service pool to ensure that exempt spectrum is designated for the public safety needs identified in the Balanced Budget Act. Exemption from auction implies the formation of a core spectrum allocation to meet public safety radio service needs.

Critical Infrastructure Entity Need Spectrum

Drinking water utilities, including Columbus Water Works, should be eligible for auction exempt spectrum identified by the FCC as it implements the Balanced Budget Act provisions. Columbus Water Works and other drinking water utilities across the United States are finding it difficult to obtain suitable spectrum to meet critical system needs. In Columbus we are currently investing millions of dollars to provide state of the art automation and a networked information system. This system provides for higher quality of operations and a great degree of safety in operating our facilities. It is critical that we be able to transmit operational data on a current and uninterrupted basis using radio systems in order for that system to work and to maintain a margin of safety.

UTC has estimated that at least 6 MHz of spectrum (with the majority of that allocation being above 900 MHz) is need to meet power, pipeline, railroad, and water utility spectrum needs for the near future. While the public safety radio services pool will not meet this total need, as eligible entities the proposed pool would help address a portion of the spectrum needs identified by UTC for the critical infrastructure entities.

Spectrum Utility

The spectrum provided in the public safety pool should have utility for the eligible entities, like Columbus Water Works. For the public safety pool to assist Columbus Water Works and others with similar interoperability and private internal communication applications the pool should be developed from:

1. 928-952-956 MHz MAS band, where current licensee is a member of the original Power Services Pool.
2. 932-941 MHz MAS band, a minimum of 20 channel pairs
3. 6, 11, and 18 Ghz microwave bands, which are currently in use for private internal radio service.
4. 700 MHz band for interoperability with emergency responders.

These bands are identified based on several general principles: (1) appropriateness for radio applications typical of critical national infrastructure entities which are eligible for this pool, (2) current installed equipment base and availability of equipment suitable for critical national

infrastructure entity applications of this spectrum, and (3) historical use of this spectrum by critical national infrastructure entities. For example Columbus Water Works currently utilizes 900 MHz band radio systems for existing Supervisory Control And Data Acquisition (SCADA) systems and 800 MHz radio systems for voice communications. The continued development of automated operations and the close monitoring required for safety and to meet national regulatory standards make it necessary for continued and expanded use of radio systems.

Respectfully submitted:

A handwritten signature in cursive script, reading "Billy G. Turner". The signature is written in black ink and is positioned above the printed name and title.

Billy G. Turner, President
Columbus Water Works